This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

114211

The Road to Success, or Practical Hints to the Junior Bar.

AN ADDRESS

DELIVERED BEFORE THE

LAW ACADEMY OF PHILADELPHIA

—BY—

Hon. EDWARD M. PAXSON,

In the Hall of the Historical Society of Pennsylvania.

April 14 1888.

PHILADELPHIA:
PRINTED FOR THE LAW ACADEMY.
1888.

HOWARD HARVEY,
PRINTER,
224-6-8 S. Fifth Sreet, Philadelphia.

PHILADELPHIA, *April 20, 1888.*

HON. EDWARD M. PAXSON.

DEAR SIR:

By resolution of the Law Academy, we are directed to request for publication a copy of your address delivered before the Academy on Saturday, April 14th, 1888.

Very respectfully,

ISAAC ELWELL,
JNO. HOUSTON MERRILL,
CLARENCE KENNEDY,
Committee on Annual Address.

PHILADELPHIA, *April 26, 1888.*

TO MESSRS. ISAAC ELWELL,
JNO. HOUSTON MERRILL,
CLARENCE KENNEDY,
Committee.

GENTLEMEN:

In reply to your polite note of the 20th inst., I have much pleasure in enclosing you a copy of my address, delivered before the Law Academy on April 14th.

With thanks for your courtesy, I am, gentlemen,

Your obedient servant,

EDWARD M. PAXSON.

MR. PRESIDENT AND GENTLEMEN
OF THE LAW ACADEMY:

It was Byron who commenced one of his brilliant poems with the words, "I want a hero." When I accepted the polite invitation of the Law Academy to deliver the address this evening, I was as much at a loss for a subject as Byron was for a hero. I hope sincerely I have been more fortunate in my selection than that eminent poet was in his.

I have read attentively and with profit the addresses which have been delivered here annually for many years, with a desire not to repeat anything that had been better said. I found one thought that had not been exhausted; one field that appears not to have been worn out with constant cropping.

I have selected for my subject "The Road to Success, or, Practical Hints to the Junior Bar." If in its discussion I fail to add to your store of learning, I have great confidence you will excuse the omission. It has occurred to me that some of you may be more desirous of finding a market for the learning you have than to increase your stock on hand; and that if I could aid you in any degree to accomplish this result, you would pardon the practical nature of my remarks, even though they lack the learning of Coke and the wisdom of Solomon.

As preliminary to my remarks I desire to say that the subject of Professional Ethics will not be referred to except incidentally. That topic has been exhausted by the late Chief Justice Sharswood. His essay upon this subject is one of the most valuable contributions to our legal literature; chaste and elegant in style and elevated in its tone of professional morality. I commend this book to the careful study of every lawyer, and especially to the Junior Bar. Now that this great jurist has been removed from the scene of his earthly labors, we may, without impropriety, give free expression to our admiration, not only of the work he accomplished, but of his life and virtues. This is not the time, nor is it the place, for any extended comments upon either. But I desire to say, and it is not inappropriate here, that one of the most beautiful traits of his character, and the one for which above all others I loved him, was his interest in and sympathy with the young men of the profession. I was myself a young man when he was a great judge, and I shall never forget his uniform kindness to me at that period, and I have experienced only what hundreds of others have. His kindness was the result of his sympathy with the young men, and it was this feeling so creditable to his heart that gave him the strong hold he always had upon the bar, and especially the bar of this city. A man may be an able judge; he may be a learned judge; but I have never known a truly great judge whose heart was not in sympathy with the Ju-

nior Bar. No one whose career has not been a failure can look back to the day of small things and remember how feeble were his early steps, without feeling his heart warm for those who now stand where he once stood. I remember as if but yesterday the first time I appeared before a Court, and with pallid cheek and faltering tongue endeavored to impress upon the mind of the judge what I supposed to be the law. The years that have passed have failed to efface from my memory the awful sensation of hearing the sound of my voice dying away, without an idea as to where the next word was to come from.

When you were admitted to the bar you respectively swore that you would support the Constitution of the United States and of this Commonwealth, that you would behave yourself in the office of attorney within the Court, according to the best of your learning and ability, and with all good fidelity, as well to the Court as to the client; that you would use no falshood, nor delay any person's cause for lucre or malice.

I desire briefly to call your attention to the solemn nature of this oath. There is no Road to Success in which this obligation is not your cloud by day and your pillar of fire by night. It is the gateway by which you enter your profession; it will follow you through life and confront you in eternity. Those who conform to it in letter and in spirit will never commit a mean or dishonest professional act.

The obligation to support the Constitution of the

Federal and State governments is one that rests upon you in common with other citizens. It is more of a political than professional character and the scope of my remarks does not require its discussion. There are other portions of your oath that refer especially to your duty as lawyers, and it is to these that I desire to call your attention.

And first, of your duty to the Court. The obligation to behave with all good fidelity to the Court is as binding as any portion of the oath, and is as essential to professional success. The relation of the bar to the Court in which they practice is one of close intimacy and confidence. When a Judge has the confidence of his bar—and he can always have it provided he is a gentleman and knows a little law—his duties, if not lessened, become less onerous, and the performance of them more agreeable. If he knows further that he is not liable to be misled and deceived by those from whom he has a right to expect "all good fidelity," he naturally attaches more weight to their statements. The duty of the lawyer in its highest and noblest sense is to aid the Court in the administration of the law. Both the Court and the bar has its clearly defined line of duty, but they converge to the same end, the promotion of equal and impartial justice between man and man. Hence it is that when a lawyer accomplishes an unjust end by imposing upon the Court, he not only violates his oath of office, but aims a blow at justice in her own temple.

The consequences of a violation or disregard of this duty are by no means inconsiderable. When a member of the bar has deservedly lost the confidence of the Judge before whom he practices, by means of this lack of fidelity, he will find his path less smooth, and his success less assured. For this loss of confidence, when once known, sometimes extends to the public generally, and finally reaches his own clients. Permanent success at the bar is seldom attained without the respect and confidence of the entire community.

The oath of office attaches the same measure of fidelity to the Court as it does to the client. And it is of the latter I propose now to speak. It is a subject of such grave importance as to justify its being treated in a separate discourse. Not being able at present to enter upon it at length, I shall content myself with merely scratching the surface.

The duty which a lawyer owes his client has been much discussed, and the writers are by no means agreed. Lord Brougham was the most radical upon this subject, for he placed this duty above every other, unless it be his duty to God. I am not able to quote his exact language, as I have not the leisure amid the pressure of other duties, to look it up, and speak from memory merely. But he placed it above his duty to society, and was of the opinion that it was his duty to gain his client's case, without any regard to its justice, by every means in his power. But what I think the better rule was stated by Chief Justice Gib-

son in Rush *vs.* Cavenaugh, 2 Penna., at page 189, where he said: "It is a popular, but gross mistake, to suppose that a lawyer owes no fidelity to any one except his client; and that the latter is the keeper of his professional conscience. He is expressly bound by his official oath to behave himself in his office of attorney with all due fidelity to the Court as well as to the client; and he violates it when he consciously presses for an unjust judgment; much more so when he presses for the conviction of an innocent man." This is the utterance of one of the greatest men who ever sat in the highest Court of this State. It is worthy of your careful consideration.

It is a question of some nicety how far a lawyer may go in defending a man charged with crime when he knows that his client is guilty. A noted case occurred in England in 1840, which gave rise to a sharp discussion both there and in this country. It was the trial of a man named Courvoisier, the valet of an English nobleman, a member of the Ducal House of Bedford, for the murder of his master. The prisoner was defended by the celebrated barrister, Charles Phillips. During the progress of the trial the prisoner confessed his guilt to his counsel. The latter, shocked at such a revelation, and in much doubt as to the course he should pursue, consulted in confidence Mr. Baron Parke, who happened to be sitting on the bench with the trial judge at the time. Baron Parke advised him to go on with the trial, with a caution,

however, as to his mode of conducting it. The trial accordingly proceeded; the prisoner was convicted and executed. So far there seems nothing to criticise either in the advice of Baron Parke or the subsequent conduct of Mr. Phillips. The latter could not disclose the confession of his client made during trial and in the confidence of the professional relation. Nor could he with any propriety abandon his client during the midst of his trial. His duty undoubtedly was to defend him to the extent of seeing that the forms of law were complied with, and that his client should not be convicted unless proved to be guilty. In other words, that he should only be convicted according to law. It was charged at the time however, that Mr. Phillips went much further; that he asserted before the jury his own solemn belief in his client's innocence; nay more, that in his address to the jury he cast suspicion upon a servant-girl residing in the family of the murdered nobleman, charging her indirectly with the commission of a crime of which he knew her to be innocent, and his client to be guilty. It is only just to say that this entire charge was denied by Mr. Phillips, in which he was sustained by Mr. Baron Parke. We must accept his denial, sustained by such respectable corroboration, and acquit him of the charge, vehemently asserted as it was. The case is referred to now merely by way of illustration. Assuming him to have acted as charged, it must be conceded that it was unprofessional to throw into the jury-box his private

belief of his client's innocence, and both unprofessional and unmanly to cast suspicion upon a poor servant-girl, against whom no charge had been made, and to whom the evidence did not point as a guilty party. I can imagine no circumstances, in the trial of a homicide case, or of any case, civil or criminal, which would justify counsel in casting suspicion of a crime upon an innocent person, in order to shield the person upon trial. And the more helpless and humble the person upon whom suspicion is so cast, and the more heinous the offence thus unjustly imputed to him or her, the greater the scandal and the more serious the breach of professional morality.

While I do not say that a lawyer may not defend a criminal with knowledge of his guilt, yet at the same time his duty in such case is circumscribed within narrow bounds. It should be limited to holding the Commonwealth to the proofs of its case. A guilty man is entitled to the benefit of all the forms and safeguards which the law throws around him, and counsel may properly require that they shall be observed.

Nor can a lawyer in my opinion, with any propriety, press for an unjust judgment. When one man obtains the property of another in this manner, he is merely robbing him by means of the law. This is little better than robbery upon the highway; to rob a man of his own by legal process is a crime against the law and a crime against the profession. As a general rule, a lawyer believes in his client's case; he is

not bound to regard him as a rogue, and so long as he has faith in his case, it is his plain duty to prosecute it with diligence, resorting to no falsehood, and making use of no unfair means to gain his end. But the moment the knowledge comes home to him that his client is a dishonest man, and is seeking to gain a dishonest and unjust cause, his professional duty is at an end, and if he proceeds further with such knowledge he becomes a *particips criminis*, and is little better than the rogue, his client.

Just here comes in another and important part of your oath. "*You will use no falsehood.*" This should be taken without any mental reservation whatever, and it should be observed in its letter and its spirit, which includes the *suppressio veri* as well as the *suggestio falsi;* a mere adherence to the letter does not cover the ground. A gentleman is not supposed to tell a direct lie, and little merit can be claimed for keeping the oath in that sense. In its broader sense it means any deceit by which the truth is concealed and false impressions conveyed. This may be done in a thousand ways without the utterance of a falsehood by the lips. A man may act a falsehood as well as speak it. When a lawyer acquires a reputation for absolute truth and candor he is far advanced on the Road to Success In the popular mind the profession is more or less associated with insincerity. While this is to some extent a vulgar prejudice we cannot deny that it has some foundation in fact. The bar is not composed entirely

of saints, and incalculable mischief may be done to the honor of the profession by the evil practices of a very small number of its members. The higher, therefore, you elevate the standard of truth, the greater will be the confidence of the public, and the less injury will result from the occasional backsliding of an individual member.

"*Nor delay any person's cause for lucre or malice.*" This means, briefly stated, that in entering upon your professional career, you are to put aside, at once and forever, in the preformance of your professional duties, all unworthy and improper motives, and especially that you are not to be swerved from the straight path by the greed of gain, or by personal animosities. It calls upon you to exercise the richest good faith to your client and having once embarked in his cause, that you should keep a single eye to his interest, and by all honorable means press his cause to its conclusion. You can read between the lines that you are not to accept a retainer from adverse parties, or parties representing adverse interests, and thus have your eye blinded that it cannot see, and your arm paralyzed that it cannot strike. No honorable man would place himself in such a position as this, and the oath in this view would seem superfluous. But as I observed before, we are not all saints. If we were, there would be little need of oaths, or laws to punish their breach.

I am just reminded that I am well through my remarks without any reference to the subject of my ad-

dress. Before I proceed to that, however, I wish to refer to another matter which I regard as a not inappropriate preliminary. I refer to the gradual decline of the business of the profession, which has been going on for many years, and to the steady increase in the number of its members. The candle is burning at both ends. If time permitted, it would be interesting to dwell at length upon this subject, but I am compelled to glance at it merely.

In my opinion the decline commenced in the year 1842 with the act abolishing imprisonment for debt. The effect of that act was to make the collection of small debts impossible in many instances. Since then the small debtor has been further protected by exemption laws, while at the present day he may own a considerable amount of property which is not liable for his debts; in other words it is proof against execution process. One effect of these changes has been to take away fron the junior bar a large amount of small business which naturally fell to them, and which was extremely useful and convenient in making a start in professional life. It is not too much to say that fifty years ago collections were among the most considerable portions of a lawyer's income; at the present time one of the most trifling.

I regard the act of 1842 as the commencement of this decline. But other causes have had large influence in accelerating it. One of the most important is the centralization which has been quietly going on for

many years, and is now progressing in an increased ratio. The business of the country, aside from its agriculture, is being absorbed by corporations or drawn to the large cities where aggregated capital drives from the market the small dealers. When I was a country boy we had in the rural district numerous machanics doing a thrifty trade, and employing a large number of journeymen and apprentices. The tailor made our clothes; the shoemaker our boots, and the carpenter built our houses; all this is changed. The carpenter merely nails a house together that has been made at a planing mill; the country tailor does little more than mend the clothes that have been made in a city, and the shoemaker patches the boots that have come from the same place. In this manner other branches of industry have been affected to a large extent, and now even the business of the law is being absorbed not only in the large cities but in the smaller towns, by corporations, which settle estates, guarantee titles and do the conveyancing connected therewith, as well as making collections when needed The result of all this is that the business of the country is being concentrated in very few hands, and the professional business attendant upon it seeks the offices of a few corporation lawyers whose income would be a marvel to such men as Horace Binney and John Sargeant could they revisit for a day the scene of their professional career. Large corporations do not as a rule retain inexperienced counsel. Hence it is that

this large business seeks those only of high standing and experience, leaving merely the crumbs to be picked up by the junior bar. This makes it all the more difficult for the young man to get upon his feet, and this difficulty is augmented by the steady increase of the candidates for professional honors. In the fierce struggle for fame and fortune, many will come to the front upon the principle of the survival of the fittest, but a considerable number must necessarily fall by the way. This, however, is equally true of every profession and ocupation in life. It is not peculiar to the practice of the law.

While the decline of many branches of professional business has been marked for the last forty years, there are some compensations. One portion of it has enormously increased. I refer to actions involving negligence. When I was young, accidents sometimes occurred by which persons were injured. We have no accidents now. For every injury which a man receives, even though the result of his own negligence, it is sought to hold some one liable, and the liberal manner in which the severe rule of *respondeat superior* is applied, generally render the efforts successful. The theory upon which suits are often brought appears to be, that for every injury which a man, especially a poor man, receives, some one should make compensation; a corporation where practicable, and if not, some private person with a large estate. The person whose direct act caused the injury is seldom molested; the

skilful practitioner flies his hawk at higher game. The advantage of this class of business is that the young lawyer, if moderately frugal in his habits, can live upon one case per year, provided he gains it in the Common Pleas, and is not wrecked in the Supreme Court. The generous, almost profuse liberality with which jurors give away the money of others, and especially of corporations, and the equal generosity of the bar in sharing the fruits of such verdicts with their clients, certainly make this branch of practice extremely lucrative, and to some extent compensates for the shrinkage in other directions.

Notwithstanding the discouragements I have alluded to, and the sharp competition which awaits every young man upon his admission to the bar, there is a certain Road to Success to every one who will patiently pursue it. It is not a royal road. On the contrary, it is narrow and full of obstacles, which can only be overcome by perseverance and patient toil. This should not discourage any one. Fame comes to the professional man as the result only of years of hard toil and close study. Men may spring suddenly from poverty to wealth, but it rarely happens that they clear at one bound the gulf which separates obscurity from fame. Those who have reached its temple and sit within its gates have the satisfaction, as they look back at the steep and thorny path by which they have climbed, of knowing that their success is due for the greater part to their own patient toil rather than to any chance turn of the wheel of fortune.

To all who would undertake this journey I would suggest above all other things, patience. The hours of waiting may be many, and they may be weary, but to him that has patience to endure to the end, they will as certainly pass away, as the mists which sometimes obscure the sun vanish before its noon-day brightness. This is the perilous part of your journey. Many a young man loses courage and abandons hope. He thus throws away the means of success, and perhaps upon the very eve of attaining it. Instead of spending the hours of enforced leisure in improving his mind and in adding to his stock of legal lore, he absents himself from his office; gradually loses his taste for his profession, and sometimes abandons it altogether to commence life over again in some other calling.

A young lawyer who travels by this road should always be in his office except when engaged elsewhere upon professional business. I remember an anecdote of one of our old and prominent lawyers of the last generation, who gave a student similar advice upon his admission to the bar. I cannot repeat it here, as it might offend ears polite, but the advice was sound, and its substance was to sit down on his office chair and never leave it. Without desiring to obtrude upon you my own unimportant experience I may properly say that a number of the most valuable clients I ever had brought me their business because they always found me in my office prepared to attend to it. For-

tune is not so capricious of her favors as many suppose. She throws opportunities in the way of all, but it is not every one who takes advantage of them. A man's whole career sometimes depends upon the most trifling incidents, I may say accidents. A single opportunity embraced and taken advantage of, sometimes, like Shakspeare's tide, leads on to fortune. Many a young man's inattention to his business, and needless absence from his office, has lost him golden opportunities which when once gone, may never return.

During his days of waiting the young lawyer naturally revolves in his mind various schemes for obtaining business. He is anxious to flesh his maiden sword, and part with some of his legal knowledge for a consideration. He perhaps notices other young men, of no longer standing at the bar, who are more successful. He sees a client pass his door and enter the office of his neighbor. He naturally becomes impatient of the delay and looks about him for some means to attract business. To all such I recommend patience. Devices to obtain business are generally equivocal in their character. If they go to the extent of direct solicitation they are unprofessional. Some years ago a young lawyer in an interior county was in the habit of advertising that upon a particular day he would be at a designated place in the county for the purpose of being consulted professionally. One day while so absent a case was called in court in which he was con-

cerned, when the Judge inquired as to where he was at the time, and why he was not in court. The answer was made by another member of the bar, that he "was out upon a stand." I have heard that the ridicule which this brought upon him drove him from the county.

I do not wish to be understood, however, as saying that there are no legitimate means by which a young man may attract business. He may do it by social intercourse, and by making himself prominent in many ways and in many good works, where if his walk and conversation in life are suitable to his high calling, he may make friends, and in the end clients. All I mean is, that personal solicitaton is unprofessional, and charlatanism is unbecoming a gentleman. Above all never go "upon a stand."

Your days of waiting will at last come to an end and you will have your first client. This is the turning point in your career, for if you satisfy that client; if you attend to his business properly, and he leaves you with a good impression of your ability and fidelity, he will send you others, who in their turn will speak of you to their friends, until you find your advice and assistance sought by many. It is therefore, very important how you treat your first client. Whatever his case may be do not charge him an extravagant fee. The world has moved since I left the bar and I am sometimes shocked at professional charges that come under my notice. In your eagerness for the golden

egg do not kill the goose. She is a sacred bird on the Road to Success and he who is rash enough to take her life invariably drops out by the way. It was this disposition to kill the goose that was one of the moving causes which practically swept away the auditing system in Philadelphia by a constitutional amendment. Especially ought you to be moderate in your charges where you are concerned for small estates, and are taking the money of widows and orphans. I have noticed many such estates literally swallowed up in costs and charges. But a short time ago I was examining the paper books in a case where a small fund—less than $400—had been distributed by an auditor. After paying expenses the amount left for distribution was $3.58, and this occurred in the country where people are supposed to charge moderately. The auditor's fee was $140. Under somewhat similar circumstances I once charged a fee of $20, and hesitated whether I ought to charge so much.

If your charges are moderate your client will be quick to appreciate it, and you will be the gainer in the end. Nor will such charges ever be disputed. On the contrary they will be paid with a willing hand, and you will thus avoid disputes about compensation which a lawyer should never subject himself to.

When your client states his case, advise him to the best of your learning and ability. If it is bad, tell him so frankly, and keep him out of litigation. The moderate measure of success I met with in my own

career was in great part owing to the fact that whenever practicable I kept my clients out of law. Especially do not encourage them in frivolous litigation. In the end it disgusts your clients and rebounds upon yourself. It often happens that a client, smarting under a real or supposed wrong of a trifling nature, is anxious to litigate, and at first may not be pleased to be told that his case is not worth prosecuting. But a lawyer who gives such advice is always respected, and if his client leaves him he is certain to come back in the end. His passions cool as his money goes out, and when the unprofitable result is reached, as it always is in such cases even if successful, he appreciates more than ever the honest advice which, if followed, would have avoided it.

Next to charging your client a modest fee, and giving him honest advice, is the duty of attending to his business promptly. This is the rock upon which so many of our young men wreck their professional career. It is of such high importance that I press it upon your attention with great earnestness. Procrastination is not only the thief of time, but it is also the lion in the path of many a lawyer. If you will notice the successful practitioner, one who is overwhelmed with business, and you are acquainted with his professional life, you will find that he never neglects anything. If it is but a rule on Saturday morning he is there to meet it. It is the lazy man, with but little business, who neglects what little he has.

And not only should you attend to your case promptly, but you should do it carefully. Master it thoroughly upon its law and its facts. And just here permit me to say that the sooner you learn to rely upon your own judgment the better. I know from personal experience in my younger days how natural it is to lean for advice upon those of mature age and larger experience. And this is well enough when you have such a person as a colleague. But when you have no colleague it is better to look to Purdon's Digest and the Reports for your law. When you have examined the law of a case thoroughly you will have far more confidence in yourself than when you get your law at second-hand from an older practitioner.

When you have mastered your case, prepare it thoroughly for trial. It is here you must make your mark if you are to make it at all. I know one or two instances in which young men have laid the foundation of their fortunes in the argument of a rule upon a Saturday morning. Their paper-book, as well as the argument, showed such careful preparation, as well as mastery of the law as to attract the attention of old practitioners. When an old lawyer, burdened with business, comes into Court, and sees a young man just admitted, argue his case with thorough knowledge and preparation, it attracts his attention; it makes an impression upon the Court and upon spectators, and fixes his reputation as a pains-taking, accurate lawyer. That reputation once established,

the Road to Success becomes comparatively easy. An old practitioner takes him in as junior. A bystander retains him because layman as he is, he is quick to see he understands his business. I was much impressed with this when I sat in the old Common Pleas, where, including the Orphans' Court business, I have often disposed of one hundred and fifty motions and rules of a Saturday morning. In some instances young men would come in with their cases admirably prepared, and the authorities cited which were applicable. Others came with no preparation at all, leaving the Court to look up the authorities, under the belief, I presume, that the Court knew all the law that ever was written, and remembered every decided case. As you grow older your minds will be disabused of this impression, and you will learn that a clear, compact argument is the greatest aid to a Court in disposing of a case. There is no Road to Success to a lawyer who does not thoroughly prepare his cases.

A lawyer to be successful must be prompt in all things connected with his profession. Especially must he be prompt in paying over his client's money. When you have made a collection, notify him without delay. I can say with truth that in the course of my brief career at the bar I never received a client's money and allowed the sun to go down without informing him of the fact. I beg to assure you that this is of vital importance. I can best illustrate it by relating a little incident in my own experience. In

the day of small things, when clients were as scarce as they were welcome, I was spending the summer in the country. In going in and out in the cars I made the casual acquaintance of a man of large business and wealth. One day, as I was sitting at my office window watching the crowd surging by, and wondering whether I would ever make an impression upon this vast mass of humanity, a stranger came in and gave me a note for a few hundred dollars for collection. He was the coachman of the gentleman to whom I have referred, and was recommended to me by a client for whom I had transacted some business. I collected the money, and the day I received it I drew a check for the amount, less five per cent., and meeting the gentleman I have referred to in the cars, I gave him the check with the request to hand it to his coachman. He looked at me in a surprised way, and asked me what it meant? I explained that it was money I had received that morning, and that I sent the check by him in order to save his man the time and expense of coming to my office. In less than a week that gentleman called at my office and retained me as his counsel in all his matters which were varied and important. That little act of promptness brought me thousands of dollars beside the influence of one of the largest capitalists in this city. I beg you will pardon this personal reference, but it so fairly illustrates what I am endeavoring to impress upon your minds that I will run the gauntlet of the charge of

egotism. And permit me to say as the result of many years' experience, that no career can be successful that has not absolute financial integrity as its corner-stone. Without it there is no Road to Success.

If you would preserve your financial integrity you must keep your expenses within your income. The moment your expenses exceed your income, your trouble commences. It is better to dine upon a crust of bread and a glass of water than to resort to mean shifts to procure a luxurious meal. If you contract debts which you have not the present means of payment you imperil the success of your professional career. Unconsciously you fall into mean tricks to evade payment, in some instances, resulting in the misappropriation of your client's money, and your own ultimate disgrace. It is only too easy to fall into habits of extravagance; it is a very difficult matter to avoid the disastrous consequences of such folly. Remember that you are listening to one who is not speaking of theories which he does not understand, but who, on the contrary, has endured all the privations which you may be called upon to bear, and whose modest portion of success is wholly due to the strict observance of the rules which he has suggested for your guidance; who sympathizes with you keenly in your trials, as he rejoices in your success.

It is important that you should be careful of your habits. Do not mistake the importance of this suggestion. I have actual knowledge of the case of a

member of the bar, who, when a comparatively young man, without any considerable financial responsibility, was made executor of a large estate for the reason that he did not drink wine. And as the converse of this statement, I know of more than one instance in which a member of the bar has been obliged to give up the management of a large estate by reason of habits of intemperance. Men of large fortune will not knowingly commit their estate to the care of drinking men. And permit me to say that this is a vice to which professional men are peculiarly liable to by reason of their sedentary habits and hard mental labor. It is often a snare to the young. There are no drinking saloons, licensed or unlicensed, on the Road to Success.

It is always desirable for the young practitioner to cultivate agreeable relations with his fellow-members of the bar. I have already referred to the question of your fidelity to the Court and your client. You also owe fidelity and good faith to your brethren with whom you are brought in contact. While you are not called upon to give away your client's rights, nor indeed to make any sacrifice of his interests out of courtesy to your adversary, you should always be careful not to take any unfair advantage of him. And no permanent benefit is ever gained by indulging in sharp practice, such as taking what are known as "snap judgments" and other matters of a like nature. The lawyer who conducts his business in this manner soon acquires an unenviable reputation, and becomes

a kind of professional Arab, whose hand is against every man, with every man's hand against him. While a temporary advantage may sometimes be gained by such means, it is seldom permanent, and in the end always injures the person who resorts to it. He loses the confidence of his fellow members of the bar; they always deal with him at arm's length, and avoid him as a colleague wherever practicable. It is also well to bear in mind that the Courts are leaning more and more against mere technicalities. I was told by a distinguished chief justice, now deceased, that the Supreme Court would always find a way to get around a technicality when it stood in the path of justice. When you have acquired a reputation for being a fair practitioner, of never taking an undue advantage of your adversary even when from want of experience he makes a slip; when your fellow-members of the bar learn that your word is good as your bond, and that both are reliable, you have made important progress on your Road to Success. Aside from this your path is rendered smoother, and far more agreeable by the knowledge that you deservedly enjoy the confidence and respect of those who are toiling up the same incline. Your social and professional intercourse with them will be more extended and more satisfactory.

The trial of cases before a jury furnishes the young practitioner with great opportunities. If he is capable of taking advantage of them his rise is rapid. This

is a subject of much interest, but I have not the time for any extended remarks. Aside from lack of time it is impossible to lay down any general rule of practical value. A few brief suggestions may perhaps be pardoned and will certainly do no harm. It is important always to impress the jury with a belief in the sincerity of your own faith in the justice of your client's case. I assume that you do believe in it or you would not accept his retainer. This belief may be impressed upon the jury as much by your manner as your words. If you have already acquired a reputation for strict integrity and honor, you may rest assured you will derive the benefit thereof in the manner in which the jurors consider your client's case, and in the weight which they attach to your own words.

In the next place never go to trial without understanding your case as well upon its facts as the law. Never put a witness upon the stand unless you know precisely what he will testify to. Draw from him exactly what you want to prove and then stop, and turn him over to your adversary for cross-examination. The examination and cross-examination of witnesses is a field which develops the highest professional skill. Such skill comes only from experience. It is a frequent mistake of young practitioners to ask too many questions. If the witness your adversary has turned over to you for cross-examination has proved nothing, why should you ask him anything?

The only possible result of doing so is to draw out something he has omitted and which may damage your case. If any of you have not read the late David Paul Brown's "Capital Hints in Capital Cases," I would recommend you to procure it and examine it attentively. He was a master upon this branch of the law.

If you thoroughly understand the law of your case you will know when to object to the admission of evidence. Such objections should never be made unless you have a reasonable prospect, based upon knowledge of the law of evidence, of having the judge sustain your objection, or of reversing him if he overrules it. Nothing damages your case before the jury more than to be constantly making frivolous objections to evidence, and having them as constantly overruled. The jurors look to the Court for their law, and they soon lose faith in a lawyer's legal abilities whose positions make no lodgment with the judge.

When you address the jury it is well to remember that the strength of a speech does not depend upon its length. Almost every young man is ambitious to make a long speech. The proudest day of my life was when, early in practice, I succeeded in inflicting upon a patient Court and a suffering jury a five-hours' speech in a homicide case. My client was acquitted, and I have since been thankful that the length of my speech did not hang him. It was the advice of an eminent professor to his college students, never to get

on their feet unless they had something to say, and always to sit down when they had said it. No force is added to a speech by constant repetition. The successful advocate is he who disregards the unimportant points in his case, and seizes upon that which is material, and impresses it upon the jury with all his power, and then leaves the issue in their hands.

It might be thought an omission were I not to say something about the preparation of your cases for the Supreme Court. If you lose your case below, and can properly advise your client that he has a case proper for review, and can in good conscience permit him to take the oath that the writ is not purchased for delay, your next step is the preparation of your paper-book. This duty is more important than is generally supposed. The first thing is to carefully examine the rules of Court and conform to them strictly. I am sorry to say that this duty is very much neglected. The rule is now being enforced, that errors not properly assigned will not be considered. In your "History of the Case" state clearly and concisely what the nature of your case is, omitting all tedious detail; all reference to the testimony, or to the law of the case. Those are matters which should appear in your argument. The object of a "History of the Case" is to place within a compact form such information as will enable the Court to understand the oral argument. It should rarely exceed a page or two at most. Our rules require that when a case is cited

the principle decided should be given. One of the evils of our present system is the profuse citation of authorities. Whether this arises from a desire to appear learned, or from indolence in not properly examining the cases, I am not able to say. It is a mistake to cite cases which do not rule, or at least directly bear upon the point. It imposes an immense labor upon the members of the Court who are compelled to examine them. Nothing can be more unsatisfactory than to spend a night in examining a long list of authorities which have no bearing upon the case. When it is considered that we have on an average from five to six cases to dispose of each night, you can understand why it is that I suggest care in your citation of authority. We want all cases which rule or bear upon the question involved. But when a suit is brought upon a promissory note, and some question of law arises therein, it is not necessary to cite every case in Pennsylvania in which the words "promissory note" occur in any connection.

The thorough preparation of the paper-book is half the battle. If, in the multitude of business, the impression left by the oral argument has partially faded when the judge sits down to write the opinion, the memory is refreshed by an examination of the paper-book. I never write an opinion without a careful perusal and study of the paper-book from end to end, and it is just here that its great value comes in. Many a case has been won by the carefully prepared printed argument.

I could extend these "Practical Hints" indefinitely, but the time I have allowed to my remarks forbids. They may not be of much service to anyone, but they at least possess the negative quality of being harmless. They will not injure if they do not assist. Those of us who are approaching the close of our career, cannot fail to look with interest upon those who are just entering it, full of high hope and honorable ambition. The profession of the law is the pathway to the highest honors, to enduring fame, often to wealth, and always to competence. Those who write upon their banner "Excelsior" and press on to the end, disregarding the temptations by the way, invariably succeed. The law, however, is a jealous mistress. "The Lady Common Law will lie alone." And she exacts from her votaries the severest discipline, the strictest honor, and the highest integrity. Her rewards are in proportion to her exactions. If we look at the roll of the great men who have added lustre to the annals of this country and who are now embalmed in its history, who were prominent in moulding our institutions in the early days of the Republic, whose eloquence and wisdom have left their mark upon the Constitution and laws of the country, and who have been prominent in administering them, we shall find that among the ablest, the purest and the best of them, were members of our honored profession. And as in the past so in the present. They are always to the front, whether the front be on the banks of the Potomac, in the halls

of Congress, in the Legislatures of the different States, in the Cabinet of the President, or in works of mere charity and benevolence. In a career which opens such possibilities I can only bid you God speed, with my earnest wishes that you may reach the highest honors of your noble profession.

A LIST OF THE ADDRESSES,*

DELIVERED BEFORE THE LAW ACADEMY OF PHILADELPHIA.

By Peter S. DuPonceau, LL.D.	Feb. 21,	1821	Legal Education.
" " " "	April 23,	1824	Jurisdiction of U. S. Courts.
" Joseph Hopkinson, LL.D.,	—— —,	1826	On the Study of the Law.
" Edward D. Ingraham,	—— —,	1828	On the Practice of the Law.
" John M. Scott,	Sept. —,	1830	On the Practice of the Law.
" Peter S. DuPonceau, LL.D.,	—— —,	1831	Early History of the Academy.
" John K. Kane,	Oct. 26,	1832	Constitutional Law of the U. S.
" William Rawle, LL.D.,	—— —,	1832	On the Study of the Law.
" Charles Ingersoll,	—— —,	1833	On the Study of the Law.
" John Pringle Jones,	Jan. 11,	1834	Eulogy on Anthony Laussat.
" Peter S. DuPonceau, LL.D.,	—— —,	1834	A Brief View of the Constitution of the U. S.
" William Rawle, Jr.,	May 6,	1835	The Profession of the Law.
" Peter McCall,	Sept. 5,	1838	The Judicial History of Pa.
" Job R. Tyson,	Oct. 22,	1839	The Integrity of the Legal Character.
" Charles J. Ingersoll,	Oct. 25,	1843	The Law of Foreign Missions.
" William A. Porter,	Sept 19,	1849	The Profession of the Law.
" John William Wallace,	Nov. 26,	1851	The Want of Uniformity in Commercial Law.
" George W. Biddle, LL.D.,	Sept. 20,	1854	Lien of Debts of a Decedent.
" George Sharswood, LL.D.,	Sept. 19,	1855	The Sources of the Laws of Pa.
" Benjamin Harris Brewster,	Sept. 27,	1857	The Practice of the Law.
" George W. Woodward,	Sept. 28,	1859	Law and Lawyers.
" P. Pemberton Morris,	Nov. 10,	1860	Mining Rights in Pa.
" F. Carroll Brewster,	Oct. 30,	1861	Rights and Duties of Lawyers.

* This corrected list has been kindly furnished by John Hill Martin, Esq.

By John Cadwalader,	—— —,	1862	On trial by Jury.
" George W. Biddle, LL.D.,	May 6,	1863	Contribution among Terre Tenants.
" Wm. Henry Rawle, LL.D.,	Feb. 11,	1868	Equity in Pennsylvania.
" M. Russel Thayer,	Nov. 11.	1870	Law considered as a Progressive Science.
" T. Bradford Dwight,	Dec. 5,	1872	Modifications of English Law in Pennaylvania.
" George Tucker Bispham,	May 21,	1874	Contracts *in Rem.*
" E. Coppee Mitchell, LL.D.,	May 13,	1875	Separate Use in P..
" William A. Porter,	April 4,	1878	The Qualifications of the Adviser and the Advocate.
" James Tyndall Mitchell,	May 15,	1879	Motions and Rules.
" J. I. Clark Hare, LL.D.,	May 30,	1880	Politics in England and the United States.
" G. Sharswood, LL.D.,	Mar. 13,	1883	History of the Academy.
" Wm. S. Pierce,	April 17,	1883	Reminiscences of the Bar.
" George M. Dallas,	Jan. 15,	1834	Law of Procedure in Corporation Meetings.
" Richard C. McMurtrie,	Mar. 13,	1885	On Article XVI., Sec. 7, of the Constitution of Pennsylvania.
" David Dudley Field,	April 15,	1886	Codification.
" Michael Arnold,	Jan. 4,	1887	Law Reform.
" Edward M. Paxson,	April 14,	1888	The Road to Success, or Practical Hints to the Junior Bar.

ESSAYS.

PUBLISHED BY ORDER OF THE ACADEMY.

By Anthony Laussat, Jr.	1826	Equity in Pennsylvania.
" Job Roberts Tyson,	1827	The Penal Laws of Pennsylvania.
" Lawrence Lewis, Jr.,	1880	Original Land Titles in Philadelphia.

3 6105 062 990 697